

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF P.C. CELLULAR OF)	
KENTUCKY, L.P. FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO. 91-310
AND NECESSITY, APPROVAL OF FINANCING,)	
AND ESTABLISHMENT OF INITIAL RATES)	

O R D E R

This matter arising upon petition of P.C. Cellular of Kentucky, L.P. ("PC Cellular") filed October 4, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of a description of PC Cellular's construction costs and an estimate of PC Cellular's costs of operation after the proposed facilities are constructed on the grounds that disclosure of the information is likely to cause PC Cellular competitive injury, and it appearing to this Commission as follows:

PC Cellular has applied for a Certificate of Public Convenience and Necessity to provide domestic public cellular telecommunications service to the public. In support of its application, PC Cellular has submitted its Business Plan and Financial Projections which contain a description of its construction costs and an estimate of its costs of operation after the proposed facilities are constructed. PC Cellular seeks to protect its construction costs description and its costs of operation estimates from public disclosure as confidential.

Under 807 KAR 5:001, Section 7, information is protected as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The cellular telephone market is a competitive industry and PC Cellular will have competition in the Rural Service Area which it proposes to serve. The information sought to be protected could be used to determine the rates which PC Cellular must charge for its services in order to break even. Competitors of PC Cellular could use this information to structure rates in such a manner that PC Cellular would be unable to compete effectively for customers. Therefore, disclosure of the information is likely to cause PC Cellular competitive injury and the information is entitled to protection as confidential.


This Commission being otherwise sufficiently advised,

IT IS ORDERED that the description of PC Cellular's construction costs and the estimate of its costs of operation after the proposed facilities are constructed, which PC Cellular has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 8th day of November, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director